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1637
#13158
7/5/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 00-713-i21)

PATENT

RECEIVED
JUN 24 2003
TECH CENTER 1600/2900

In the Application of:

Chad A. Mirkin, et al.

Serial No.: 09/976,618

Filed: October 12, 2001

For: NANOPARTICLES HAVING
OLIGONUCLEOTIDES ATTACHED
THERE TO AND USES THEREFOR

Examiner: Jezia Riley

Group Art Unit: 1637

Confirmation No.: 1752

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In regard to the above identified application.

1. We are transmitting herewith the attached:

- a) Response to Office Action mailed May 21, 2003
- b) Return Receipt Postcard

2. With respect to fees:

- a) No fee is due.
- b) General Authorization: Please charge any underpayment or credit any overpayment to Deposit Account No. 13-2490.

3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.10: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee", addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 5 day of June, 2003 under the Express Mail label No. EV333631864US.

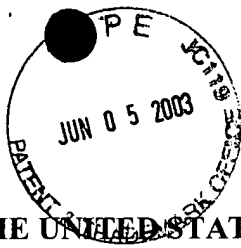
Date:

June 5, 2003

Respectfully submitted,

Emily Miao

Registration No. 35,285



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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22312-1450

Dear Sir:

This paper is filed in response to the Office Action mailed on May 21, 2003. Claims 243-265, 267, 291-336, 360-406, 422, 426, 428, 430, and 432 were pending in this application and were subject to a four-way restriction. The Applicants provisionally elect the invention of Group I (claims 243-265, 422, 430, and 433-444), with traverse, and request that the Examiner withdraw the restriction as least as applied to Groups I and II. The Examiner is reminded that, according to MPEP § 803:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicants respectfully contend that Groups I and II (claims 267, 291-336, and 360-406) reside within the same classification (class 435, subclass 4). Consequently, search and

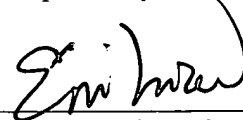
examination of Groups I and II would not constitute a serious burden on the Examiner. For least this reason, the Applicant respectfully requests that the restriction requirement against the claims 243-265, 267, 291-336, 360-406, 422, 430, and 433-444 be withdrawn and that these claims be examined in this application.

Reconsideration of this application is respectfully requested and a favorable determination is earnestly solicited.

Respectfully Submitted,

Date: June 5, 2003

By:

A handwritten signature in black ink, appearing to read "Emily Miao", written over a horizontal line.

Emily Miao
Reg. No. 35,285